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DATE FILED: 5/19/08

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AARON RICHARD GOLUB,

Plaintiff,

- against -

TRANS UNION LLC and  
NATIONWIDE RECOVERY SYSTEMS, LTD.,

Defendants.  
-----X

07 Civ. 6308 (JGK) (DFE)

This is an ECF case

MEMORANDUM AND ORDER

DOUGLAS F. EATON, United States Magistrate Judge.

On May 15, 2008, Judge Koeltl issued a second Order of Reference to me, this time for general pretrial supervision, and he forwarded to me the discovery disputes set forth in four letters: from Mr. Creech to Mr. Glanc on May 12, from Mr. Glanc to me on May 15, from Mr. Glanc to Judge Koeltl on May 15, and a reply from Mr. Creech to Judge Koeltl on May 15. I rule as follows.

In the May 12 letter, Mr. Creech wrote to Mr. Glanc:

Please see the attached proposed revised confidentiality order and proposed release of medical information. We do not agree that the "attorney's eyes only" provisions should be stricken. Because he is a lawyer, we will allow Mr. Golub to be included in this designation provided that he personally signs the confidentiality order. We agree that medical records may be designated as confidential under this agreement provided that the agreement expressly authorizes third parties to disclose medical information.

Mr. Glanc's May 15 letter to me does not give any reason why Mr. Golub should not personally sign the confidentiality stipulation. I direct Mr. Golub to serve, by May 22, 2008, either (a) a document withdrawing his claims for "damages due to mental anguish, ... embarrassment, [and] humiliation," or (b) notarized releases identifying each person who provided medical or psychological services to him at any time during the period from January 1, 2004 through December 31, 2007, and authorizing each such provider to turn over, to Mr. Creech's law firm, all records

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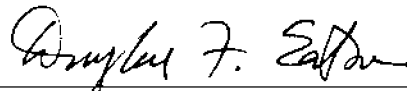
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concerning such services. I agree with Mr. Creech that this issue is governed by Judge Karas's opinion in *Cohen v. City of New York*, 2007 WL 2789272 (S.D.N.Y. Sep. 25, 2007), especially since Mr. Golub's lawsuit is based on federal question jurisdiction. Compare my opinion in a diversity case, *Alarir v. Billetdeaux*, 2007 WL 4047400 (S.D.N.Y. Nov. 13, 2007).

I direct that Mr. Golub must appear for the first deposition, on June 11, 2008 if possible. After his deposition, then his counsel may take the deposition of Trans Union's Rule 30(b)(6) witness, but in Philadelphia.

If there are any further disputes about discovery or scheduling, I direct the parties to follow my Standing Order for Discovery Disputes (copy enclosed).

There will be only one settlement conference. I have scheduled it for May 29, and I would be willing to get the confidential, ex parte letters as late as 10:00 a.m. on May 27. If the parties want to adjourn the May 29 conference, then they should promptly place a conference call to my Courtroom Deputy Helen Lewis at 212-805-6183.



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DOUGLAS F. EATON  
United States Magistrate Judge  
500 Pearl Street, Room 1360  
New York, New York 10007  
Telephone: (212) 805-6175  
Fax: (212) 805-6181fax

Dated: New York, New York  
May 16, 2008

Copies of this Memorandum and Order (and of my Standing Order for Discovery Disputes) will be sent by fax and by electronic filing to:

Nehemiah S. Glanc, Esq. at 212-838-4869fax  
Timothy P. Creech, Esq. at 215-575-7688fax  
Kevin T. Schutte, Esq. at 214-758-8339fax  
Hon. John G. Koeltl